

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL ASAMOAH,	§	
	§	
Plaintiff,	§	Civil Action No. 2:19-CV-05292
	§	
v.	§	Judge Sarah D. Morrison
	§	
CAPSTONE LOGISTICS, LLC, <i>et al.</i> ,	§	Magistrate Judge Kimberly A. Jolson
	§	
Defendants.	§	
	§	
MICHAEL ASAMOAH,	§	
	§	
Plaintiff,	§	Civil Action No. 2:19-CV-05507
	§	
v.	§	Judge Sarah D. Morrison
	§	
THE SYGMA NETWORK INC., <i>et al.</i> ,	§	Magistrate Judge Kimberly A. Jolson
	§	
Defendants.	§	
	§	

OPINION & ORDER

Plaintiff Michael Asamoah has filed a number of motions regarding several of Magistrate Judge Jolson's Orders and Reports and Recommendations issued in these matters. This Opinion and Order serves to resolve each.

I. MOTION FOR DISTRICT COURT TO REVIEW AND SET ASIDE MAGISTRATE JUDGE JOLSON'S ORDER

In this filing, Mr. Asamoah argues that Magistrate Jolson improperly granted the Defendants' Motion for a Protective Order ("Motion for Protective Order") before his time to respond had passed. (Case No. 19cv-5292 ECF No 35; Case No. 19cv-5507 ECF No. 51.) He cites to Fed. R. Civ. P. 60(b) to seek an order vacating the March 25, 2020 Protective Order ("Protective Order") (Case No. 19cv-5292 ECF Nos. 27, 28; Case No. 19cv-5507 ECF Nos. 43,

44) because he wanted to object to the motion. Specifically, he would have argued that the Defendants failed provide a compelling enough reason for the discovery to be sealed to overcome the public access presumption and that the proposed order was insufficiently narrow. (ECF No. 29.)

Mr. Asamoah's Motion for District Court to Review and Set Aside Magistrate Judge Jolson's Order is **DENIED**. Federal R. Civ. P. 60(b) applies only to final judgments, orders or proceedings. Magistrate Judge Jolson's order is none of those. Furthermore, the Court has reviewed the Motion for Protective Order and the Protective Order. The Protective Order serves to preserve Mr. Asamoah's personally identifiable information as well as Defendants' trade secrets. Those are compelling reasons to permit confidentiality. And, the Protective Order is sufficiently narrow to achieve those objectives.

Even construing Mr. Asamoah's motion as objections to Magistrate Judge Jolson's March 25, 2020 Order, those objections are overruled for the same reasons.

II. MOTION FOR DISTRICT COURT TO REVIEW AND SET ASIDE JUDGE SARAH D. MORRISON'S ORDER

Mr. Asamoah again relies on Fed. R. Civ. P. 60(b) to seek vacation of Magistrate Judge Jolson's May 1, 2020 Order (ECF No. 40) denying Mr. Asamoah's Motions to Compel without prejudice. Magistrate Judge Jolson so held due to his failure to comport with S.D. Ohio Civ. R. 37.1 and with the Court's March 4, 2020 Order (ECF No. 24). (Case No. 19cv-5292, ECF No. 49; Case No. 19cv-5507, ECF No. 66.) To be clear, the undersigned did not issue the May 1, 2020 Order so the Motion for Review is improperly titled. Regardless, the Motion for Review is **DENIED**. The May 1, 2020 Order is not a final judgment, order or proceeding. Additionally, the denial was without prejudice so Mr. Asamoah suffered no harm.

Even construing Mr. Asamoah's motion as objections to Magistrate Judge Jolson's May 1, 2020 Order, those objections are overruled for the same reasons.

III. MOTION TO NOTIFY THE COURT THAT DEFENDANTS SYSCO CORPORATION AND THE SYGMA NETWORK, INC. HAVE FAILED TO DEFEND

Here, Mr. Asamoah notifies the Court that the noted Defendants did not respond to his Motion for District Court to Review and Set Aside Magistrate Judge Jolson's Order granting the Protective Order. (Case No. 19cv-5292 ECF No. 50; Case No. 19cv-5507 ECF No. 67.) He wants Attorneys Stuhldreher, Knett and Frey to pay his costs and non-existent attorney's fees relative to that motion for said failure to respond. *Id.* at 3.

The Motion to Notify is **DENIED**. The Court can discern whether a response has been filed and failure to file a response is not sanctionable conduct in this instance.

IV. MOTION FOR CHIEF JUDGE MARBLEY TO REVIEW AND SET ASIDE JUDGE SARAH D. MORRISON'S ORDER DENYING MOTION FOR ISSUANCE OF SUBPOENA DUCES TECUM

Mr. Asamoah next takes issue with Magistrate Judge Jolson's May 14, 2020 Order (Case No. 19cv-5292 ECF No. 48) denying his motions for issuance of subpoenas without prejudice for failure to comport with S.D. Ohio Civ. R. 37.1 and with her March 4, 2020 Order. He uses Fed. R. Civ. P. 60(b) to seek unspecified relief. (Case No. 19cv-5292 ECF No. 53; Case No. 19cv-5507 ECF No. 70.)

The Motion for Chief Judge Marbley to Review is **DENIED** for four reasons. First, the Court previously denied Mr. Asamoah's Motion to Disqualify. (Case No. 19cv-5292 ECF No. 69; Case No. 19cv-5507 ECF No. 85.) Second, the undersigned did not issue the order in focus. Third, the May 14, 2020 Order is not a final judgment, order or proceeding, so Fed. R. Civ. P.

60(b) is inapplicable. Fourth, the May 14, 2020 Order is a denial without prejudice such that Mr. Asamoah suffered no harm.

V. MOTION FOR DISTRICT COURT TO REVIEW AND SET ASIDE JUDGE SARAH D. MORRISON'S ORDER DENYING MOTION FOR DEPOSITIONS

Mr. Asamoah seeks review of Magistrate Judge Jolson's May 12, 2020 Order (Case No. 19cv-5292 ECF No. 46) denying his motions for deposition by written questions without prejudice because of his failure to comply with the meet, confer and conference requirements. (Case No. 19cv-5292 ECF No. 54; Case No. 19cv-5507 ECF No. 71.) This motion is **DENIED** for the same reasons set forth in section IV, *supra*.

VI. MOTION TO ADD EXHIBIT TO FILE

Mr. Asamoah's final motion seeks an order adding a portion of an unauthenticated and unsigned letter ostensibly from the Ohio Civil Rights Commission to him to the record. (Case No. 19cv-5292 ECF No. 64.) This motion is **DENIED** because the same content is already in the record as an exhibit to Mr. Asamoah's Complaint. (Case No. 19cv-5507, ECF No. 1.)

VII. CONCLUSION

The noted motions are **DENIED**. And, to the extent that the motions are objections, they are **OVERRULED** for the same reasons.

IT IS SO ORDERED.

/s/Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE